

PRO SE/NON-PRISONER COMPLAINT PACKAGE

INSTRUCTIONS

In order for the United States District Court to consider this complaint, you must fill it out in legible handwriting or on a typewriter. Also, you must answer each question or fill in each blank clearly and simply. If you cannot finish an answer in the available space on the front of the page, you may continue the answer on another sheet of paper. If you continue an answer in this way, make sure you identify clearly which question the continuation applies to.

Before submitting your proposed complaint to the court, you must do several things:

- A. Prepare an original and an identical copy of your proposed complaint and all attachments or exhibits to your proposed complaint for:

- (1) THE COURT
- (2) EACH DEFENDANT YOU NAME
- (3) YOURSELF

For example, if you name two persons as defendants, you should prepare and return the original and two copies to the court (the original for the court and a copy for each named defendant), and retain one copy for your own reference. DO NOT MAIL A COPY OF YOUR COMPLAINT DIRECTLY TO ANY DEFENDANT(S).

If you sue an officer or agency of the United States, you must send the court two additional copies of the complaint and any attachments.

- B. Submit a check or money order in the amount of ~~\$150.00~~ **\$150.00**. Make the check or money order payable to the CLERK, U.S. DISTRICT COURT. If you cannot afford to prepay the fee, you must complete the affidavit of indigency form (attached), declare it to be true, and submit the affidavit with your proposed complaint.

Again, you are reminded that if you attach any documents to your complaint, you must provide copies of each attachment with each copy of the complaint. It is not the court's function to make or provide copies for litigants.

IT IS YOUR RESPONSIBILITY TO KEEP A COPY FOR YOUR OWN FILE OF EVERY DOCUMENT OR LETTER THAT YOU SEND TO THE COURT. Mail your proposed complaint with the necessary copies, your check or money order or affidavit of indigency to:

CLERK, U.S. DISTRICT COURT
120 N. HENRY STREET
P.O. BOX 432
MADISON, WI 53701

GENERAL INFORMATION

A. JURISDICTION

Jurisdiction is the authority of the courts to hear and decide lawsuits. The major statute giving federal courts jurisdiction to hear and decide cases that involve violations of federal rights is Title 28 U.S.C. §1331. 28 U.S.C. §1331 states:

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

B. VENUE

The federal courts are divided into geographical districts. Venue refers to the judicial district in which a lawsuit should be brought. A complaint must show that the district court in which the lawsuit is filed is the proper court to hear the case. The major venue provisions are found in Title 28 U.S.C. §1391 and §1392. They provide that:

1. When each defendant is an officer or employee of the U.S. or any agency of the U.S. and that defendant acted in his official capacity, the lawsuit may be filed in the district where the defendant resides or the claim arose or the plaintiff resides if no real property (that is, land) is involved in the case.
2. When the plaintiff(s) and the defendant(s) are citizens of different states, (that is, diversity of citizenship) the lawsuit must be filed in the district where all plaintiffs or all defendants reside or where the claim arose. 28 U.S.C. §1391(a).
3. When the plaintiff(s) and the defendant(s) are citizens of the same state (that is, no diversity of citizenship), the lawsuit must be filed in the district where all defendants reside or where the claim arose, except as otherwise provided by law. 28 U.S.C. §1391(b).
4. However, when the defendants reside in different districts within the same state, the lawsuit may be filed in any of these districts. 28 U.S.C. §1392(a).

C. IN FORMA PAUPERIS

"In Forma Pauperis" literally means "in the manner of a poor person."

Federal law permits a person to file a lawsuit without prepayment of any court costs if the person shows that he or she is unable to pay such fees. To qualify for in forma pauperis status, a person must file a statement declaring under penalty of perjury that

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

_____		:	
		:	
Plaintiff,		:	
V.		:	<u>COMPLAINT</u>
_____		:	
_____		:	
Defendant(s),		:	

A. JURISDICTION

1. _____ resides at
(Plaintiff)
_____, at _____
(Address) (City, State)
2. Defendant _____ is employed as
(Name of First Defendant)
_____ at _____
(Position and Title, if any) (Address)
3. Defendant _____ is employed as
(Name of Second Defendant)
_____ at _____
(Position and Title, if any) (Address)

B. CAUSE OF ACTION

On the space provided on the following pages, tell what specific incidents or conversations occurred which led you to believe your constitutional or federal rights have been or are presently being violated. IT IS IMPORTANT THAT THE ALLEGATIONS BE BRIEF, BUT SPECIFIC. Do not cite legal authorities, such as earlier court decisions or laws enacted by the legislature or Congress, to support your lawsuit at this early stage of your case.

[illegible]

C. REQUEST FOR RELIEF

1. I _____ request that I be allowed to commence this action without
(do, do not)
prepayment of fees and costs, or security therefor, pursuant to 28 U.S.C.
§1915. The attached affidavit of indigency has been completed and is
submitted in support of this request for leave to proceed in forma pauperis.
2. In the following space, please indicate exactly what it is you wish this court to
do.

Dated this _____ day of _____, 19____.

(SIGNATURE)

(STREET or P.O. BOX)

(CITY, STATE, ZIP CODE)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

(Full name of plaintiff(s))

VS

Case Number:

(Supplied by clerk)

(Full name of defendant(s))

**PETITION AND AFFIDAVIT FOR LEAVE TO
PROCEED IN FORMA PAUPERIS**

I, _____, plaintiff or petitioner, move the court for leave to proceed in forma pauperis in the above-named action. I declare under penalty of perjury that the following facts are true:

1. I am the party initiating this action and I believe I am entitled to redress.
2. I am unable to prepay the fees and costs of this proceeding, or to give security, because of my poverty.
3. I am (check one) ☐ single ☐ married ☐ separated ☐ divorced.
4. My responses to the following questions are true:
 - A. Are you presently employed?
☐ YES ☐ NO

1. If so, by whom and what is your pay? _____

2. If not, when were you last employed and what was your pay? _____

B. Have you received money from any other source in the last twelve months?
☐ YES ☐ NO

1. If yes, describe each source and state how much you received: _____

C. How much money do you have in private checking or savings accounts? _____

D. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (except for ordinary household furnishings and clothing)?
☐ YES ☐ NO

1. If yes, describe the property and its approximate value: _____

E. Do you have any debts or obligations?
☐ YES ☐ NO

1. If yes, list the amounts owed, to whom, and any current payments that you are making.

F. List your dependents, state your relationship to them and state how much you contribute to their support.

I declare under penalty of perjury that the foregoing is true and correct.

This ____ day of _____, 19 ____.

(Signature of plaintiff or petitioner)